

State of Alaska

Big Game Commercial

Services Board



February 4, 2022
Public Meeting Packet

Roster

Big Game Commercial Services Board

NAME	APPOINTED	REAPPOINTED	EXPIRES
Bloomquist, Aaron (Copper Center) Licensed Registered Guides-Outfitters	03/01/2021		03/01/2025
Boniek, Martin (Glennallen) Licensed Transporters	03/01/2021		03/01/2025
Buist, Peter (Fairbanks) Public	05/21/2019	03/01/2021	03/01/2025
Bunch, Jason (Kodiak) Licensed Registered Guides-Outfitters	03/02/2018	03/01/2019	03/01/2023
Burnett, Jerry (Juneau) Designated Game Board Member/Restricted	01/21/2021		03/01/2024
Cyrus, Ely (Kiana) Private Landholders/Restricted	02/17/2021		03/01/2024
Flores, Michael (Soldotna) Licensed Transporters	05/11/2020		03/01/2023
Nordlum, Clay (Kotzebue) Private Landholders/Restricted	06/25/2021		03/01/2022
Trombley, Adam (Anchorage) Public	02/02/2017	03/01/2018	03/01/2022



State of Alaska
Department of Commerce, Community & Economic Development
Division of Corporations, Business, and Professional Licensing
Big Game Commercial Services Board

Zoom Meeting Call-In # 669-900-6833
408-638-0968
346-248-7799

Meeting ID:
Password:

TENTATIVE MEETING AGENDA
February 4, 2022

1. 9:00 am Roll call/Call to Order
2. 9:05 am Review Agenda
3. 9:10 am Ethics Review
4. 9:15 am Review/Approve Meeting Minutes
 - A. November 30 – December 2, 2021
5. 9:30 am Assign representative(s) for legislative session
6. 10:00 am Application review (tabled and/or “Yes” answers)
7. 10:30 am Investigations Unit
 - A. Probation Monitor Report
 - B. Investigative Report
 - C. Executive Session
8. 11:30 Summary/Motions from Executive Session
9. 12:00 Adjourn

LAW RESOURCES

[Law Resources](#)[Alaska Statutes & Regulations](#)[Alaska Constitution](#)[Regulations Drafting Manual](#)[Victim-Witness Resources](#)[Protecting Children](#)[Attorney General Opinions](#)[Executive Branch Ethics](#)[Natural Resources & Environment](#)[Regulatory Affairs & Public Advocacy](#)[Pro Bono Legal Services](#)[한국어](#) [Русский](#) [Español](#) [Tagalog](#)

Chapter 39.52.

ALASKA EXECUTIVE BRANCH ETHICS ACT

Article 01. DECLARATIONS

Sec. 39.52.010. Declaration of policy.

(a) It is declared that

(1) high moral and ethical standards among public officers in the executive branch are essential to assure the trust, respect, and confidence of the people of this state;

(2) a code of ethics for the guidance of public officers will

(A) discourage those officers from acting upon personal or financial interests in the performance of their public responsibilities;

(B) improve standards of public service; and

(C) promote and strengthen the faith and confidence of the people of this state in their public officers;

(3) holding public office or employment is a public trust and that as one safeguard of that trust, the people require public officers to adhere to a code of ethics;

(4) a fair and open government requires that executive branch public officers conduct the public's business in a manner that preserves the integrity of the governmental process and avoids conflicts of interest;

(5) in order for the rules governing conduct to be respected both during and after leaving public service, the code of ethics must be administered fairly without bias or favoritism;

(6) no code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment; and

(7) compliance with a code of ethics is an individual responsibility; thus all who serve the state have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates.

(b) The legislature declares that it is the policy of the state, when a public employee is appointed to serve on a state board or commission, that the holding of such offices does not constitute the holding of incompatible offices unless expressly prohibited by the Alaska Constitution, this chapter and any opinions or decisions rendered under it, or another statute.

Article 02. CODE OF ETHICS

Sec. 39.52.110. Scope of code.

(a) The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust. In addition, the legislature finds that, so long as it does not interfere with the full and faithful discharge of an officer's public duties and responsibilities, this chapter does not prevent an officer from following other independent pursuits. The legislature further recognizes that

(1) in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government;

- (2) people who serve as public officers retain their rights to interests of a personal or financial nature; and
 - (3) standards of ethical conduct for members of the executive branch need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.
- (b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's
- (1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs; or
 - (2) action or influence would have insignificant or conjectural effect on the matter.
- (c) The attorney general, designated supervisors, hearing officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions.
- (d) Stock or other ownership interest in a business is presumed insignificant if the value of the stock or other ownership interest, including an option to purchase an ownership interest, is less than \$5,000.

Sec. 39.52.120. Misuse of official position.

- (a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.
- (b) A public officer may not
- (1) seek other employment or contracts through the use or attempted use of official position;
 - (2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;
 - (3) use state time, property, equipment, or other facilities to benefit personal or financial interests;
 - (4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;
 - (5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or
 - (6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of state aircraft or the communications equipment in the governor's residence so long as there is no charge to the state for the use; in this paragraph, "for partisan political purposes"
- (A) means having the intent to differentially benefit or harm a
- (i) candidate or potential candidate for elective office; or
 - (ii) political party or group;
- (B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.
- (c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.
- (d) In this section, when determining whether a public officer is considered to be performing a task on government time, the attorney general and personnel board shall consider the public officer's work schedule as set by the public officer's immediate supervisor, if any. A public officer other than the governor and lieutenant governor who, during the work days, engages in political campaign activities other than minor, inconsequential, and unavoidable campaign activities shall take approved leave for the period of campaigning.
- (e) Except for supplying information requested by the hearing officer or the entity with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a public officer may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer or individual, board, or commission with authority to make the final decision in the case assigned to the hearing officer unless the

- (1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or
 - (2) fact and substance of the contact is promptly disclosed by the public officer to all parties to the hearing and the contact is made a part of the record.
- (f) Use of state aircraft for partisan political purposes is permitted under (b) of this section only when the use is collateral or incidental to the normal performance of official duties and does not exceed 10 percent of the total of the use of the aircraft for official purposes and partisan political purposes, combined, on a single trip. A public officer who authorizes or makes any partisan political use of a state aircraft under (b) of this section shall disclose the authorization and use under AS 39.52.210 or 39.52.220 for each trip, and the person who uses the aircraft shall reimburse the state for the proportionate share of the actual cost of the use.

Sec. 39.52.130. Improper gifts.

- (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment. A gift from a person required to register as a lobbyist under AS 24.45.041 to a public officer or a public officer's immediate family member is presumed to be intended to influence the performance of official duties, actions, or judgment unless the giver is an immediate family member of the person receiving the gift.
- (b) Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt
- (1) if the public officer may take or withhold official action that affects the giver; or
 - (2) if the gift is connected to the public officer's governmental status.
- (c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.
- (d) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.
- (e) A public officer who, on behalf of the state, accepts a gift from another government or from an official of another government shall, within 60 days after its receipt, notify the Office of the Governor in writing. The Office of the Governor shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.
- (f) A public officer who knows or reasonably ought to know that a family member has received a gift because of the family member's connection with the public office held by the public officer shall report the receipt of the gift by the family member to the public officer's designated supervisor if the gift would have to be reported under this section if it had been received by the public officer or if receipt of the gift by a public officer would be prohibited under this section.

Sec. 39.52.140. Improper use or disclosure of information.

- (a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated to the public.
- (b) A current or former public officer may not disclose or use, without appropriate authorization, information acquired in the course of official duties that is confidential by law.

Sec. 39.52.150. Improper influence in state grants, contracts, leases, or loans.

- (a) A public officer, or an immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects the award, execution, or administration of the state grant, contract, lease, or loan.
- (b) The prohibition in (a) of this section does not apply to a state grant, contract, or lease competitively solicited unless the officer

- (1) is employed by the administrative unit awarding the grant, contract, or lease or is employed by the administrative unit for which the grant, contract, or lease is let; or
- (2) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.
- (c) The prohibition in (a) of this section does not apply to a state loan if
 - (1) the public officer does not take or withhold official action that affects the award, execution, or administration of the loan held by the officer, or an immediate family member;
 - (2) the loan is generally available to members of the public; and
 - (3) the loan is subject to fixed eligibility standards.
- (d) A public officer shall report in writing to the designated supervisor a personal or financial interest held by the officer, or an immediate family member, in a state grant, contract, lease, or loan that is awarded, executed, or administered by the agency the officer serves.

Sec. 39.52.160. Improper representation.

- (a) A public officer may not represent, advise, or assist a person in any matter pending before the administrative unit that the officer serves, if the representation, advice, or assistance is
 - (1) for compensation, unless the representation, advice, assistance, and compensation are required by statute, regulation, or court rule, or is otherwise customary; or
 - (2) without compensation, but rendered to benefit a personal or financial interest of the public officer.
- (b) This section does not prohibit activities related to collective bargaining.
- (c) This section does not preclude a nonsalaried member of a board or commission from representing, advising, or assisting in any matter in which the member has a personal or financial interest regulated by the board or commission on which the member serves, except that the member must act in accordance with AS 39.52.220.

Sec. 39.52.170. Outside employment restricted.

- (a) A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.
- (b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency, shall report by July 1 of each year the outside services or employment to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.
- (c) The head of a principal executive department of the state may not accept employment for compensation outside the agency that the executive head serves.

Sec. 39.52.180. Restrictions on employment after leaving state service.

- (a) A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, determination, proposal or consideration of a legislative bill, a resolution, a constitutional amendment, or other legislative measure, or proposal, consideration, or adoption of an administrative regulation.
- (b) This section does not prohibit an agency from contracting with a former public officer to act on a matter on behalf of the state.
- (c) The head of an agency may waive application of (a) of this section after determining that representation by a former public officer is not adverse to the public interest. The waiver must be in writing and a copy of the waiver must be provided to the attorney general for approval or disapproval.
- (d) An individual who formerly held a position listed in this subsection may not engage in activity as a lobbyist under AS 24.45 for a period of one year after leaving that position. This subsection does not prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission. This subsection applies to the position of
 - (1) governor;

- (2) lieutenant governor;
- (3) head or deputy head of a principal department in the executive branch;
- (4) director of a division or legislative liaison within a principal department in the executive branch;
- (5) legislative liaison, administrative assistant or other employee of the Office of the Governor or Office of the Lieutenant Governor in a policy-making position;
- (6) member of a state board or commission that has the authority to adopt regulations, other than a board or commission named in AS 08.01.010;
- (7) member of a governing board and executive officer of a state public corporation.

(e) A former head of a principal department in the executive branch may not, for a period of one year after leaving service as the head of that department, serve on the governing board of a company, organization, or other entity that was regulated by that department or with which the former department head worked as part of an official duty as the department head. A former employee of the Office of the Governor in a policy-making position may not, for a period of one year after leaving employment in that office, serve on the governing board of a company, organization, or other entity with which the former employee worked as part of an official duty for the Office of the Governor.

(f) In this section, "employee of the Office of the Governor in a policy-making position" means a person who is an employee required, because of the person's position in the Office of the Governor, to file a statement under AS 39.50.020.

Sec. 39.52.190. Aiding a violation prohibited.

It is a violation of this chapter for a public officer to knowingly aid another public officer in a violation of this chapter.

Article 03. DISCLOSURE AND ACTION TO PREVENT VIOLATIONS

Sec. 39.52.210. Declaration of potential violations by public employees.

(a) A public employee who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall

(1) refrain from taking any official action relating to the matter until a determination is made under this section; and

(2) immediately disclose the matter in writing to the designated supervisor and the attorney general.

(b) A public employee's designated supervisor shall make a written determination whether an employee's involvement violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the public employee and to the attorney general. If the supervisor determines that a violation could exist or will occur, the supervisor shall,

(1) reassign duties to cure the employee's potential violation, if feasible; or

(2) direct the divestiture or removal by the employee of the personal or financial interests that give rise to the potential violation.

(c) A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.220. Declaration of potential violations by members of boards or commissions.

(a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor and to the attorney general. The supervisor shall determine whether the member's involvement violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the board or commission member and to the attorney general. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member

shall refrain from voting, deliberating, or participating in the matter.

(b) The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.225. Disclosures in connection with executive clemency.

Before granting executive clemency to an applicant for executive clemency, the governor shall disclose in writing to the attorney general whether granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall publish a written determination whether granting executive clemency to the applicant would violate AS 39.52.110-39.52.190. The written determination of the attorney general is not confidential, but information set out in that determination identifying a person, other than the applicant for clemency, who is a victim or witness in a criminal matter may not be made public.

Sec. 39.52.230. Reporting of potential violations.

A person may report to a public officer's designated supervisor, under oath and in writing, a potential violation of AS 39.52.110 - 39.52.190 by the public officer. The supervisor shall provide a copy of the report to the officer who is the subject of the report and to the attorney general, and shall review the report to determine whether a violation may exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor determines that the matter may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.240. Advisory opinions.

(a) Upon the written request of a designated supervisor or a board or commission, the attorney general shall issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

(b) The attorney general may offer oral advice if delay would cause substantial inconvenience or detriment to the requesting party.

(c) The designated supervisor or a board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provides more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 - 39.52.190, the designated supervisor or the board or commission shall, after consultation with the officer, determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

(d) A public officer is not liable under this chapter for any action carried out in accordance with a determination made under AS 39.52.210 - 39.52.240 if the officer fully disclosed all relevant facts reasonably necessary to the determination.

(e) The attorney general may reconsider, revoke, or modify an advisory opinion at any time, including upon a showing that material facts were omitted or misstated in the request for the opinion.

(f) A person may rely on an advisory opinion that is currently in effect.

(g) A request for advice made under (a) of this section is confidential.

(h) The attorney general shall post on the Alaska Online Public Notice System (AS 44.62.175), with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section, the advisory opinions issued under this section that the attorney general determines to be of major import because of their general applicability to executive branch officers.

Sec. 39.52.250. Advice to former public officers.

(a) A former public officer may request, in writing, an opinion from the attorney general interpreting this chapter. The attorney general shall give advice in accordance with AS 39.52.240(a) or (b) and publish opinions in accordance with AS 39.52.240(h).

(b) A former public officer is not liable under this chapter for any action carried out in accordance with the advice of the attorney general issued under this section, if the public officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice.

Sec. 39.52.260. Designated supervisor's report and attorney general review.

(a) A designated supervisor shall quarterly submit a report to the attorney general which states the facts,

circumstances, and disposition of any disclosure made under AS 39.52.210 - 39.52.240.

(b) The attorney general shall review determinations reported under this section. The attorney general may request additional information from a supervisor concerning a specific disclosure and its disposition.

(c) The report prepared under this section is confidential and not available for public inspection unless formal proceedings under AS 39.52.350 are initiated based on the report. If formal proceedings are initiated, the relevant portions of the report are public documents open to inspection. The attorney general shall, however, make available to the public a summary of the reports received under this section, with sufficient deletions to prevent disclosure of a person's identity.

(d) The attorney general shall submit to the personnel board a copy of the quarterly reports received from designated supervisors under (a) of this section together with a report on the attorney general's review conducted under (b) of this section.

Sec. 39.52.270. Disclosure statements.

(a) A public officer required to file a disclosure statement under this chapter shall meet the requirements of this subsection in making the disclosure. When the public officer files a disclosure statement under this chapter, the public officer signing the disclosure shall certify that, to the best of the public officer's knowledge, the statement is true, correct, and complete. The disclosure must state that, in addition to any other penalty or punishment that may apply, a person who submits a false statement that the person does not believe to be true is punishable under AS 11.56.200 - 11.56.240.

(b) A designated supervisor who receives a disclosure statement under AS 39.52.110 - 39.52.220 shall review it. If the designated supervisor believes that there is a possibility that the activity or situation reported in a disclosure statement filed under AS 39.52.110 - 39.52.190 may result in a violation of this chapter, the designated supervisor shall take appropriate steps under AS 39.52.210 - 39.52.240. Failure of the designated supervisor to proceed under AS 39.52.210 - 39.52.240 does not relieve the public officer of the public officer's obligations under those statutes.

(c) In this section, "disclosure statement" means a report or written notice filed under AS 39.52.110 - 39.52.220.

Article 04. COMPLAINTS; HEARING PROCEDURES

Sec. 39.52.310. Complaints.

(a) The attorney general may initiate a complaint, or elect to treat as a complaint, any matter disclosed under AS 39.52.210, 39.52.220, 39.52.250, or 39.52.260. The attorney general may not, during a campaign period, initiate a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for election to state office.

(b) A person may file a complaint with the attorney general regarding the conduct of a current or former public officer. A complaint must be in writing, be signed under oath, and contain a clear statement of the details of the alleged violation.

(c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the governor, lieutenant governor, or the attorney general, the matter shall be referred to the personnel board. The personnel board shall return a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for election to state office as provided in (j) of this section if the complaint is initiated during a campaign period. The personnel board shall retain independent counsel who shall act in the place of the attorney general under (d) - (i) of this section, AS 39.52.320 - 39.52.350, and 39.52.360(c) and (d). Notwithstanding AS 36.30.015(d), the personnel board may contract for or hire independent counsel under this subsection without notifying or securing the approval of the Department of Law.

(d) The attorney general shall review each complaint filed, to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation of this chapter. The attorney general may require the complainant to provide additional information before accepting the complaint. If the attorney general determines that the allegations in the complaint do not warrant an investigation, the attorney general shall dismiss the complaint with notice to the complainant and the subject of the complaint.

(e) The attorney general may refer a complaint to the subject's designated supervisor for resolution under AS 39.52.210 or 39.52.220.

(f) If the attorney general accepts a complaint for investigation, the attorney general shall serve a copy of the complaint upon the subject of the complaint, for a response. The attorney general may require the subject to provide, within 20 days after service, full and fair disclosure in writing of all facts and circumstances pertaining to the alleged violation. Misrepresentation of a material fact in a response to the attorney general

is a violation of this chapter. Failure to answer within the prescribed time, or within any additional time period that may be granted in writing by the attorney general, may be considered an admission of the allegations in the complaint.

(g) If a complaint is accepted under (f) of this section, the attorney general shall investigate to determine whether a violation of this chapter has occurred. At any stage of an investigation or review, the attorney general may issue a subpoena under AS 39.52.380.

(h) A violation of this chapter may be investigated within two years after discovery of the alleged violation.

(i) The unwillingness of a complainant to assist in an investigation, the withdrawal of a complaint, or restitution by the subject of the complaint may, but need not in and of itself, justify termination of an investigation or proceeding.

(j) The personnel board shall return a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for state office received during a campaign period to the complainant unless the governor or lieutenant governor, as appropriate, permits the personnel board to assume jurisdiction under this subsection. If the personnel board receives a complaint concerning the conduct of the governor or lieutenant governor who is a candidate during the campaign period, the personnel board shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the personnel board's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the personnel board mails or otherwise sends notice of the complaint to the candidate, notify the personnel board that the candidate chooses to have the personnel board proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the personnel board that the candidate is not waiving the suspension of jurisdiction, the personnel board shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(k) A campaign period under this section begins on the later of 45 days before a primary election in which the governor or lieutenant governor is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

Sec. 39.52.320. Dismissal before formal proceedings.

If, after investigation, it appears that there is no probable cause to believe that a violation of this chapter has occurred, the attorney general shall dismiss the complaint. The attorney general shall communicate disposition of the matter promptly to the complainant under AS 39.52.335(c) and to the subject of the complaint.

Sec. 39.52.330. Corrective or preventive action.

After determining that the conduct of the subject of a complaint does not warrant a hearing under AS 39.52.360, the attorney general shall recommend action to correct or prevent a violation of this chapter. The attorney general shall communicate the recommended action to the complainant and the subject of the complaint. The subject of the complaint shall comply with the attorney general's recommendation.

Sec. 39.52.335. Summary of disposition of complaints and review by personnel board.

(a) When the attorney general initiates or receives a complaint under AS 39.52.310, the attorney general shall immediately forward a copy of the complaint to the personnel board.

(b) Each month, the attorney general shall file a report with the personnel board concerning the status of each pending complaint and the resolution of complaints that have been closed since the previous report.

(c) If a complaint is dismissed under AS 39.52.320 or resolved under AS 39.52.330, the attorney general shall promptly prepare a summary of the matter and provide a copy of the summary to the personnel board and the complainant. The summary is confidential unless the

(1) dismissal or resolution agreed to under AS 39.52.320 or 39.52.330 is public; or

(2) superior court makes the matter public under (h) of this section.

(d) Within 15 days after receipt of a summary under this section, a complainant may file comments with the personnel board regarding the disposition of the complaint.

(e) At its next regular meeting that begins more than 15 days after receipt of a summary under this section, the personnel board shall review the summary and comments, if any, filed by the complainant. The personnel board may compel the attendance of the subject of the complaint or the complainant at the meeting and may compel the production of documents. Attendance may be by teleconference. The attorney general or the attorney general's designee shall be available to respond to questions from the personnel board concerning the disposition of the complaint.

(f) After review of the summary, the personnel board may issue a report on the disposition of the complaint. If the matter is confidential and the board determines that publication of the name of the subject is in the public interest, the report may include a recommendation that the matter be made public.

(g) If the summary is confidential under (c) of this section,

(1) comments filed by the complainant, if any, are confidential;

(2) the personnel board shall conduct the review of the summary in executive session; and

(3) the personnel board report, if any, is confidential; the personnel board shall make available to the public an expurgated copy of a confidential report with sufficient deletions and editing to prevent disclosure of the identity of the persons involved in the matter.

(h) If the disposition of a complaint is not made public and the personnel board report under (f) of this section includes a recommendation that the matter be made public, an interested party may file an action against the state in superior court requesting that the court make public the complaint, the attorney general's disposition of the complaint, and the personnel board report. The court may order the matter or portions of the matter made public if the court determines that

(1) the dismissal or resolution of the complaint was clearly contrary to the requirements of this chapter;

(2) one or more of the allegations in the information to be released is supported by substantial evidence;

(3) the matter concerns the public interest; and

(4) release of the information will not infringe on any protected rights or liberties of the subject.

Sec. 39.52.340. Confidentiality.

(a) Except as provided in AS 39.52.335, before the initiation of formal proceedings under AS 39.52.350, the complaint and all other documents and information regarding an investigation conducted under this chapter or obtained by the attorney general during the investigation are confidential and not subject to inspection by the public. In the case of a complaint concerning the governor, lieutenant governor, or attorney general, all meetings of the personnel board concerning the complaint and investigation before the determination of probable cause are closed to the public. If, in the course of an investigation or probable cause determination, the attorney general finds evidence of probable criminal activity, the attorney general shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the attorney general finds evidence of a probable violation of AS 15.13, the attorney general shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. The attorney general and all persons contacted during the course of an investigation shall maintain confidentiality regarding the existence of the investigation.

(b) It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

(c) The subject of the complaint may, in writing, waive the confidentiality protection of this section.

Sec. 39.52.350. Probable cause for hearing.

(a) If the attorney general determines that there is probable cause to believe that a knowing violation of this chapter or a violation that cannot be corrected under AS 39.52.330 has occurred, or that the subject of a complaint failed to comply with a recommendation for corrective or preventive action, the attorney general shall initiate formal proceedings by serving a copy of an accusation upon the subject of the accusation. The accusation shall specifically set out the alleged violation. After service, the accusation is a public document open to inspection. Except as provided in AS 39.52.370(c), all subsequent proceedings are open to the public.

(b) The subject of the accusation shall file an answer with the attorney general within 20 days after service of the accusation, or at a later time specified by the attorney general. If the subject of the accusation fails to timely answer, the allegations are considered admitted.

(c) If the subject of the accusation denies that a violation of this chapter has occurred, the attorney general shall refer the matter to the personnel board, which shall notify the chief administrative law judge (AS 44.64.010), who shall appoint an administrative law judge to serve as a hearing officer to conduct a hearing.

(d) If the subject of the accusation admits a violation of this chapter, the attorney general shall refer the matter to the personnel board to impose penalties under AS 39.52.410, 39.52.440, and 39.52.450, as appropriate.

Sec. 39.52.360. Hearings.

(a) The hearing officer may convene a prehearing conference to set a time and place for the hearing, and for stipulation as to matters of fact and to simplify issues, identify and schedule prehearing matters, and resolve other similar matters before the hearing.

(b) The hearing officer may administer oaths, hold hearings, and take testimony. Upon application by a party to the hearing, the hearing officer may issue subpoenas under AS 39.52.380.

(c) The attorney general shall present the charges before the hearing officer. At a hearing, the attorney general has the burden of demonstrating by a preponderance of the evidence that the subject of the accusation has, by act or omission, violated this chapter.

(d) The parties to a hearing are the attorney general and the subject of the accusation. The subject of an accusation may be represented by counsel. Each party has an opportunity to be heard and cross-examine witnesses, who shall testify under oath.

(e) The Administrative Procedure Act does not apply to hearings under this section, except as provided in AS 39.52.380.

(f) Technical rules of evidence do not apply, but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. Copies of transcripts of the hearing record are available to the subject of the accusation at the subject's expense; however, upon request, a copy of the recording of the hearing must be furnished without charge to the subject of the accusation.

(g) At the conclusion of the formal hearing, the hearing officer may direct either or both parties to submit proposed findings of fact, conclusions of law, and recommendation to be filed within 10 days after the conclusion of the hearing.

(h) Within 30 days after the conclusion of a formal hearing, the hearing officer shall serve a written report on the personnel board and the parties, unless the personnel board grants an extension of time. The report must contain the officer's findings of fact, conclusions of law, and recommendation. The hearing officer shall submit the record to the personnel board.

Sec. 39.52.370. Personnel board action.

(a) Within 10 days after receipt of the hearing officer's report, either party may protest the officer's findings of fact, conclusions of law, and recommendation, and, if a protest is filed, shall serve a copy on the other party. Oral argument before the personnel board must be provided only if requested by either party. The board chair shall set the deadline for submission of requests for oral argument, and set the dates for submission of briefs and oral argument before the board, if requested.

(b) The board may issue subpoenas under AS 39.52.380, and may, for good cause shown, augment the hearing record, in whole or in part, or hold a hearing de novo.

(c) The personnel board shall review each report submitted by a hearing officer and shall either adopt or amend the findings of fact, conclusions of law, and recommendation of the officer. Deliberations of the personnel board must be conducted in sessions not open to the public.

(d) If the personnel board determines that a violation occurred, it may impose the penalties in AS 39.52.410, 39.52.440, and 39.52.450, as appropriate. If the board determines that no violation occurred, the board shall issue a written order of dismissal.

(e) The personnel board secretary shall promptly notify the parties and the public officer's designated supervisor of the board's action.

(f) The subject of the accusation may appeal the personnel board's decision by filing an appeal in the superior court as provided in the Alaska Rules of Appellate Procedure.

Sec. 39.52.380. Subpoenas.

(a) As provided in AS 39.52.310(g), 39.52.360(b), and 39.52.370(b), the attorney general, independent counsel retained under AS 39.52.310(c), a hearing officer, the subject of an accusation, and the personnel board may summon witnesses and require the production of records, books, and papers by the issuance of subpoenas.

(b) Subpoenas must be served in the manner prescribed by AS 44.62.430 and Rule 45 of the Alaska Rules of

Civil Procedure. Failure or refusal to obey a subpoena issued under this chapter is punishable as contempt in the manner provided by law and court rule. The superior court may compel obedience to the subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

Sec. 39.52.390. Service.

Service of an accusation must be accomplished in accordance with Rule 4 of the Alaska Rules of Civil Procedure. Service of any other pleading, motion, or other document must be accomplished in accordance with Rule 5 of the Alaska Rules of Civil Procedure.

Article 05. ENFORCEMENT; REMEDIES

Sec. 39.52.410. Violations; penalties for misconduct.

- (a) If the personnel board determines that a public employee has violated this chapter, it
- (1) shall order the employee to stop engaging in any official action related to the violation;
 - (2) may order divestiture, establishment of a blind trust, restitution, or forfeiture; and
 - (3) may recommend that the employee's agency take disciplinary action, including dismissal.
- (b) If the personnel board determines that a nonsalaried member of a board or commission has violated this chapter, it (1) shall order the member to refrain from voting, deliberating, or participating in the matter; (2) may order restitution; and (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission. A violation of this chapter is grounds for removal of a board or commission member for cause. If the personnel board recommends that a board or commission member be removed from office, the appointing authority shall immediately act to remove the member from office.
- (c) If the personnel board determines that a former public officer has violated this chapter, it shall
- (1) issue a public statement of its findings, conclusions, and recommendation; and
 - (2) request the attorney general to exercise all legal and equitable remedies available to the state to seek whatever relief is appropriate.
- (d) If the personnel board finds a violation of this chapter by a public officer removable from office only by impeachment, it shall file a report with the president of the Senate, with its finding. The report must contain a statement of the facts alleged to constitute the violation.

Sec. 39.52.420. Disciplinary action for violation.

- (a) In addition to any other cause an agency may have to discipline a public employee, an agency may reprimand, demote, suspend, discharge, or otherwise subject an employee to agency disciplinary action commensurate with the violations of this chapter. This section does not prohibit the review of a disciplinary action in the manner prescribed by an applicable collective bargaining agreement or personnel statute or rule.
- (b) An agency may initiate appropriate disciplinary action in the absence of an accusation under this chapter or during the pendency of a hearing or personnel board action.

Sec. 39.52.430. Actions voidable.

- (a) In addition to any other penalty provided by law, a state grant, contract, or lease entered into in violation of this chapter is voidable by the state. In a determination under this section of whether to void a grant, contract, or lease, the interests of third parties who could be damaged may be taken into account. The attorney general shall give notice of intent to void a state grant, contract, or lease under this section no later than 30 days after the personnel board's determination of a violation under this chapter.
- (b) In addition to any other penalty provided for by law, the state may require a state loan received in violation of this chapter to become immediately payable.
- (c) Any state action taken in violation of this chapter is voidable, except that the interests of third parties and the nature of the violation may be taken into account. The attorney general may pursue any other available legal and equitable remedies.
- (d) The attorney general may recover any fee, compensation, gift, or benefit received by a person as a result of a violation of this chapter by a current or former public officer. Action to recover under this subsection must be brought within two years after discovery of the violation.

Sec. 39.52.440. Civil penalties.

The personnel board may impose on a current or former public officer civil penalties not to exceed \$5,000 for a violation of this chapter. A penalty imposed under this section is in addition to and not instead of any other penalty that may be imposed according to law.

Sec. 39.52.450. Payment of twice the financial benefit.

The personnel board may, in addition to the civil penalties described in this chapter, require a current or former public officer who has financially benefited a person in violation of this chapter to pay to the state up to twice the amount that the person realized from the violation.

Sec. 39.52.460. Criminal sanctions additional.

To the extent that violations under this chapter are punishable in a criminal action, that sanction is in addition to the civil remedies set out in this chapter.

Article 06. GENERAL PROVISIONS

Sec. 39.52.910. Applicability.

(a) Except as specifically provided, this chapter applies to all public officers within executive-branch agencies, including members of boards or commissions. This chapter does not apply to

- (1) a former public officer of an executive-branch agency unless a provision specifically states that it so applies;
- (2) legislators covered by AS 24.60; or
- (3) the University of Alaska and an employee of the University of Alaska as to activities or employment under a contract between the employee and the university described in AS 14.40.210(a)(4).

(b) The provisions of this chapter supersede the common law on conflicts of interests that may apply to a public officer of an executive-branch agency and any personnel rules relating to conflicts of interests, excluding nepotism, adopted under AS 39.25. However, nothing in this chapter precludes a prosecution under an applicable criminal statute nor prevents enforcement of any other state law that imposes a stricter standard of ethical conduct on public officers.

(c) The provisions of this chapter are not subject to negotiation by collective bargaining under AS 23.40.

(d) Nothing in this chapter

- (1) supersedes AS 39.90.020; or
- (2) precludes an immediate family member of a public employee from employment in the same agency or administrative unit as that public employee, so long as the public employee does not have authority to take or withhold official action affecting the terms or conditions of the immediate family member's employment in a manner that violates state law.

Sec. 39.52.920. Agency policies.

Subject to the review and approval of the attorney general, an agency may adopt a written policy that, in addition to the requirements of this chapter, limits the extent to which a public officer in the agency or an administrative unit of the agency may

- (1) acquire a personal interest in an organization or a financial interest in a business or undertaking that may benefit from official action taken or withheld by the agency or unit;
- (2) have a personal or financial interest in a state grant, contract, lease, or loan administered by the agency or unit; or
- (3) accept a gift.

Sec. 39.52.930. Cooperation.

All agencies and instrumentalities of the state shall cooperate fully with the attorney general and the personnel board in the performance of their duties under this chapter.

Sec. 39.52.940. Construction.

This chapter shall be construed to promote high standards of ethical conduct in state government.

Sec. 39.52.950. Regulations.

The attorney general may adopt regulations under the Administrative Procedure Act necessary to interpret and implement this chapter.

Sec. 39.52.960. Definitions.

In this chapter, unless the context requires otherwise,

- (1) "administrative unit" means a branch, bureau, center, committee, division, fund, office, program, section, or any other subdivision of an agency;
- (2) "agency" means a department, office of the governor, or entity in the executive branch, including but not limited to the University of Alaska, public or quasi-public corporations, boards or commissions, and the Alaska Railroad Corporation;
- (3) "benefit" means anything that is to a person's advantage or self-interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value;
- (4) "board or commission" means a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad, but excluding members of a negotiated regulation making committee under AS 44.62.710 - 44.62.800;
- (5) "business" includes a corporation, company, firm, partnership, sole proprietorship, trust or foundation, or any other individual or entity carrying on a business, whether operated for profit or non-profit;
- (6) "child" includes a biological child, an adoptive child, and a stepchild;
- (7) "compensation" means any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered by the person for another;
- (8) "designated supervisor" or "supervisor" means
 - (A) the commissioner of each department in the executive branch, for public employees within the department;
 - (B) the president of the University of Alaska, for university employees;
 - (C) the attorney general, for the governor and lieutenant governor;
 - (D) the executive director of a board or commission for the staff of the board or commission;
 - (E) the chair or acting chair of the board or commission, for the members and the executive director of a board or commission; and
 - (F) the governor, for commissioners and for other public officers not included in (A) - (E) of this paragraph; or
 - (G) a public officer designated by a commissioner, the university president, or the governor to act as the supervisor if the name and position of the officer designated has been reported to the attorney general;
- (9) "financial interest" means
 - (A) an interest held by a public officer or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit;
 - (B) holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management;
- (10) "gain" includes actual or anticipated gain, benefit, profit, or compensation;
- (11) "immediate family member" means
 - (A) the spouse of the person;
 - (B) another person cohabiting with the person in a conjugal relationship that is not a legal marriage;
 - (C) a child, including a stepchild and an adoptive child, of the person;

(D) a parent, sibling, grandparent, aunt, or uncle of the person; and

(E) a parent or sibling of the person's spouse;

(12) "instrumentality of the state" means a state agency or administrative unit, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska, the Alaska Railroad, and any public or quasi-public corporations, boards, or commissions; the term includes municipalities;

(13) "nonsalaried member of a board or commission" means a member of a board or commission who is not a public employee by virtue of membership on a board or commission; receipt of per diem, nominal compensation for attendance at meetings, and travel expense reimbursement does not make a member of a board or commission a public employee for purposes of this chapter;

(14) "official action" means advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer;

(15) "organization" includes a group, association, society, political party, or other entity made up of two or more persons, whether operated for profit or nonprofit;

(16) "parent" includes a biological parent, an adoptive parent, and a step-parent of the public officer;

(17) "person" includes a natural person, a business, and an organization;

(18) "personal interest" means an interest held or involvement by a public officer, or the officer's immediate family member or parent, including membership, in any organization, whether fraternal, nonprofit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit;

(19) "personnel board" or "board" means the personnel board established in AS 39.25.060;

(20) "public employee" or "employee" means a permanent, probationary, seasonal, temporary, provisional, or nonpermanent employee of an agency, whether in the classified, partially exempt, or exempt service;

(21) "public officer" or "officer" means

(A) a public employee;

(B) a member of a board or commission; and

(C) a state officer designated by the governor to act as trustee of the trust or a person to whom the trustee has delegated trust duties; in this paragraph, "trust" has the meaning given in AS 37.14.450;

(22) "source of income" means an entity for which service is performed for compensation or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or child, or a combination of them, holds a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation; if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

7/10/07

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Phone: 907-465-3600 || Fax: 907-465-2075 || TTY: 907-258-9161

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1 State of Alaska
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING
4

5 BIG GAME COMMERCIAL SERVICES BOARD
6 Minutes of the meeting November 29 – December 2, 2021
7

8 *These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and*
9 *Professional Licensing. These minutes have not been approved by the Board.*

10
11 By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of
12 AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board originated
13 from Anchorage at 550 W. 7th Ave, November 29 – December 2, 2021.
14

15 **Tuesday, November 29, 2021**
16

17 **The Chair brought the meeting to order at 9:28 am – delay was due to technical difficulties.**
18

19 **Board Members Present Constituting a Quorum:**

20 Jason Bunch - Licensed Registered Guide-Board Chair
21 Jerry Burnett - Board of Game Representative
22 Pete Buist - Public Member
23 Aaron Bloomquist - Registered Guide Outfitter
24 Mike Flores – Licensed Transporter
25 Ely Cyrus – Private Landowner
26 Clay Nordlum – Private Landowner
27 Martin Boniek – Licensed Transporter (joined at 2:30 pm)
28

29 **Board member(s) absent**

30 Adam Trombley - Public Member; *EXCUSED*
31

32 **Staff Members present:**

33 Renee Hoffard – Executive Administrator
34 Thomas Bay – Licensing Examiner
35 Lee Strout – Investigator
36 Michele Hearn – Investigator, Probation monitor
37 Sharon Walsh – Deputy Director
38

39 **Members of the Public Present over the 3-day meeting included:**

40 Mark Richards - Executive Director, Resident Hunters of Alaska
41 Sam Rohrer – President, Alaska Professional Hunters Association
42 Thor Stacey – Alaska Professional Hunters Association
43 Ben Halbrook
44 Dick Rohrer
45 Joe Klutsch
46 George Siavelis

47 Mike Zweng
48 Zach Decker
49 Gary "Butch" King
50 Chris Zwolinski
51 Wayne Kubat
52 Paul Chervenak
53 Dan Montgomery
54 Al Barrette
55 Tony Lee
56 Loren Karro
57 Johnny Richardson
58 Rick Hyce
59 Gust Tunguing Jr.
60 Paul Claus
61 Josh Ellis
62 Todd Boughner
63 Tim Nelson

64
65 **Agenda Item - Review Agenda 11/29/2021:**

66 The board reviewed the agenda that was approved by Board Chair Jason Bunch.

67

68 **In a motion duly made by Aaron Bloomquist, seconded by Mike Flores with unanimous**
69 **consent, it was resolved to adopt the daily agenda as amended.**

70

- 71 **1. Strike "March 2021" minutes from minute review/approval (approved at July 2021**
72 **meeting)**
- 73 **2. Add "Discussion of transporter issues/complaints" to the agenda in the 9:30 am time**
74 **period; discussion may be continued throughout the day as time permits**
- 75 **3. Strike "Executive session" during the Investigations agenda item as there were no cases**
76 **for the board to review/consider at this meeting.**

77

78 **Agenda Item - Ethics Disclosures:**

79 The board members had no ethics disclosures.

80

81 **Agenda Item - Review Meeting Minutes:**

82 The board reviewed draft meeting minutes for the July 23, 2021 teleconference held by the
83 board.

84

85 **In a motion duly made by Aaron Bloomquist, seconded by Mike Flores with unanimous**
86 **consent, it was resolved to approve the July 23, 2021 meeting minutes as written.**

87

88 **Agenda Item - Discussion of transporter issues/complaints:**

89 The board held a discussion revolving around complaints that had been made to board
90 members during the past season regarding transporters. The complaints were that
91 transporters were appearing to drop clients off in an area where the clients did not have
92 authorization to be hunting resulting in numerous instances of trespassing. Additional

93 complaints were received that it was difficult to determine who were licensed transporters. A
94 variety of solutions were proposed. Mike Flores, licensed transporter member of the board,
95 will be chairing a transporter sub-committee meeting January 10, 2022 via Zoom and will work
96 on proposals for the board to consider at the next scheduled meeting.

97

98 *Break at 9:46 am*

99 *Return at 10:00 am*

100

101 **Agenda Item - Public Comment:**

102 Dick Rohrer, Master Guide GUIM69. Spoke to the program fiscal reports; he asked the board to
103 recommend the division reduce or remove the annual filing fee of \$300 as the program
104 currently has a surplus of \$250,786 before revenue from the current renewals.

105

106 North Slope Bourgh (NSB) Planning Department. Wanted to point out that NSB has recreational
107 permits and does require guides to have a permit before providing services on NSB lands. NSB
108 can, and does, execute inspections at their discretion and will issue notices of violation for
109 those without permits. Chair Bunch asked if they noticed an increase in compliance in the past
110 year or if it continues to be an issue. NSB stated they have more people coming into
111 compliance, they tend to say they didn't know they needed a permit from NSB. NSB will
112 provided a more detailed review of their permit process on 12/2/2021 during the agency
113 update agenda item.

114

115 Wayne Kubat, Master Guide GUIM147. Provided comments on the regulations proposals he
116 submitted to the board for consideration, the proposals on the agenda 12/1/21 for
117 consideration. The proposals are for supervision and practical experience.

118

119 Chair Bunch closed public comment.

120

121 *Break at 10:36 am*

122 *Return at 10:59 am*

123

124 **Agenda Item - Division Update/Fiscal Report:**

125 Deputy Director Sharon Walsh joined the board to provide the division update. She reviewed
126 the end of year fiscal report for FY2021 and the 1st quarter report for FY2022. The board is
127 currently in renewals and has a cumulative surplus of \$250,786. The board discussed options
128 for the process of moving forward to make Renee's position a full-time position dedicated to
129 the BGCSB. The opinion of the board is that someone else may not be successful in the position
130 splitting their time between to boards and that Renee's efficiency plays a large part in her
131 success. The board also asked for an update from the division regarding a system change
132 request submitted in 2020 to make the hunt record/transporter activity reports system more
133 efficient to reduce staff's time spent on processing the records. Due to the amount of time that
134 has passed with no movement on the request the board asked if there was an option for
135 outsourcing the project. Ms. Walsh stated she would investigate the options for the board.

136

137 The board discussed the current fees and requests from the public that some fees be reduced
138 or waived due to the current surplus the program has. The discussion reinforced the need to

139 reduce revenue but not drastically to ensure the program has funds for any legal and/or
140 investigative costs that arise unexpectedly. The board was very clear that they are actively
141 engaged in monitoring the fiscal standing of the program going into legislative audit before the
142 2024 sunset hearings; the program pulled itself out of a deficit of more than \$500,000 in
143 FY2017. The board also stated that they anticipate formally requesting a fee analysis to be
144 prepared by the division and reviewed at the next scheduled meeting. Renee will contact
145 division administrative staff to arrange for the fee analysis.

146
147 Ms. Walsh also reviewed new requirements for military licensing. The requirements for
148 temporary licensing for active-duty military members or their spouses is a substantially
149 equivalent, unencumbered license in another jurisdiction. Due Alaska specific statutory
150 requirements for licensure there are no known substantially equivalent licenses in other
151 jurisdictions.

152
153 ***Break for lunch at 12:00 pm; return to record at 1:15 pm***

154
155 **Agenda Item - Public Comment:**

156 Mark Richards, Executive Director - Resident Hunters of Alaska. Spoke in regard to an opinion
157 of him that was published in the Fairbanks News Miner, a board member posted on that
158 opinion in disagreement with Mr. Richards. He reminded board members that they are held to
159 a higher standard than the general public. He stated he looks forward to the transporter
160 subcommittee meeting.

161
162 Michelle Heun submitted a written comment that Chair Bunch read for those in attendance.
163 She supports the proposed amendments the board will be considering at this meeting and
164 spoke to an issue with an infestation of caterpillars that severely impacted vegetation.

165
166 Dick Rohrer, Master Guide GUIM69. Spoke in regard to statutory requirements for the division
167 to annually review each licensing program to determine if the regulatory costs of each
168 occupation is approximately equal to revenue. He also requested an update on steps the board
169 has taken to ensure compliance with the UVC. EA Hoffard outlined new procedures that were
170 implemented in 2020, the new procedures appear to be working but she will have more
171 information at the March 2022 meeting following her audit of draws for the new year.

172
173 George Siavelis, Master Guide GUIM150. Commented on the annual filing fee and agrees with
174 Mr. Rohrer that the fee should be reduced or eliminated as the program is no longer operating
175 in a deficit.

176
177 Gary "Butch" King, Master Guide GUIM97. Reiterated the comments of Mr. Rohrer and Mr.
178 Siavelis regarding the annual filing fee. He also asked the board to consider the dwindling
179 resource of the assistant guides. He has noticed it is becoming increasingly difficult to recruit
180 and retain assistant guides.

181
182 Dan Montgomery, Master Guide GUIM173. Agrees that the annual filing fee should be reduced
183 or eliminated. Asked for clarification on the unique verification code discussion.

184

185 Steve Perrins II, Registered Guide GUIR1295. Wanted to commend Renee Hoffard for the job
186 she has done with communicating with the licensees. He appreciates the increased
187 communication from the board and the ease of working with Renee; it has made a large
188 difference from his side of things. He agrees the annual filing fee should be eliminated and
189 would support a reduction in the license fee for assistant guides, even at the cost of an increase
190 to his Registered Guide license fee.

191
192 Chair Bunch closed public comment.

193
194 **Agenda Item - Investigations Unit:**
195 Investigator Strout provided his investigative report for the time period of July 13, 2021 through
196 November 19, 2021. The report reflected 41 open cases and 16 closed cases. Investigator
197 Strout had no actions for the board to review or consider for this board meeting.

198
199 Probation Monitor Michele Hearn provided the probation report. At the time of the report
200 there were 26 licenses holders on probation, 24 of whom were in compliance. Since July 2021,
201 5 license holders were released from probation. Ms. Hearn explained the steps the division has
202 taken in attempts to bring the 2 non-compliant probationers into compliance. Ms. Hearn also
203 stated that at this time the division would certainly be interested in pursuing any viable method
204 of establishing contact.

205
206 Chair Bunch called recess until 9:00 am December 1.

207
208 Off record at 3:43 pm.

209 **Wednesday, December 1, 2021**

210
211 The Chair brought the meeting to order at 9:01 am

212
213 **Board Members Present Constituting a Quorum:**
214 Jason Bunch - Licensed Registered Guide-Board Chair
215 Jerry Burnett - Board of Game Representative
216 Martin Boniek - Licensed Transporter
217 Pete Buist - Public Member
218 Aaron Bloomquist - Registered Guide Outfitter

219 Mike Flores – Licensed Transporter
220 Ely Cyrus – Private Landowner
221 Clay Nordlum – Private Landowner

222 **Board Members Absent:**
223 Adam Trombley – Public Member; *EXCUSED*

224
225 **Staff Members present:**
226 Renee Hoffard – Executive Administrator
227 Thomas Bay – Licensing Examiner
228 Lee Strout – Investigator

229
230 **Agenda Item – Agenda 12/1/2021:**

231 **In a motion duly made by Aaron Bloomquist, seconded by Clay Nordlum with unanimous**
232 **consent, it was resolved to amend the draft agenda for December 1, 2021 as follows:**

- 233 **1. Strike 9:10 am Summary/Motions executive session 11/30/21**
234 **2. Add “Supervision” and “Partnership” to the 10:30 sub-committee’s agenda item**

235

236 **Agenda Item - Public Comment:**

237 Dick Rohrer, Master Guide GUIM69. Had considered several options for reducing various fees
238 across the program such as the assistant guide license fee and the annual filing fee. The board
239 discussed the options and felt that it was appropriate to request a new fee analysis from the
240 division.

241

242 **In a motion duly made by Aaron Bloomquist, seconded by Pete Buist with unanimous**
243 **consent, it was resolved to request the division provide a fee analysis in advance of the**
244 **March 2022 meeting.**

245

246 Steve Perrins II, Registered Guide GUIR1295. Asked if the issue of the guide license numbers is
247 still be considered, does not want it to fall off of anyone’s radar. Feels guides are over-
248 regulated but transporters are under-regulated. Would like the board to add use area
249 registrations for transporters and noted issues of transporters trespassing over the past
250 seasons.

251

252 Mark Richards, Executive Director - Resident Hunters of Alaska. Had previously requested
253 transporters to be removed from the requirements of the proposed professional development
254 requirement and was not happy the transporter subcommittee did not meet over the summer
255 to provide comment.

256

257 Zach Decker, Registered Guide GUIR1263. Spoke to transporter issue of trespassing, it is easy
258 to make new regulations but hard to fix the older ones. Would like to see growth in the
259 transporter regulations. Has noted that nonresident/nonguided numbers are starting to creep
260 back up, would like the board to resume issuing methods of identifying licensed transporters
261 such as stickers for vessels/planes. Spoke to the master guide requirements.

262

263 Chair Bunch closed public comment.

264

265 *Break at 10:00 am*

266 *Return at 10:30 am*

267

268

269 **Agenda Item - Sub-Committee meetings:**

270 ***A. Exams:*** *DNR has been working on updating the maps for the GMU’s; the project is expected*
271 *to be complete by the end of year. The committee is also working on some ideas to change*
272 *the oral portion of the practical exam to add some more professionalism to the exam and*
273 *anticipates having more information for the board at the March 2022 meeting.*

274 ***B. Transporters:*** *the transporter committee will hold a teleconference 1/10/2022. They have*
275 *noticed an uptake of conflicts in the field and other issues that will be discussed more in-*
276 *depth at the teleconference. Some of the topics to be discussed are compliance issues*

277 regarding permanent quarters as defined in statute and federal requirements for marine
278 transporters to have 2 captains on board for overnight trips.

279 C. Partnerships/LLC: A new sub-committee that Aaron Bloomquist will be chairing. The
280 committee will hold its first meeting via teleconference 12/21/2021 with the intention of
281 submitting regulations proposal(s) for the March 2022 meeting.

282 D. Supervision: the committee submitted a proposal of draft language for board consideration.
283 At this time there are no further meetings of this committee are scheduled.

284 The board reviewed and discussed the proposal submitted by the supervision subcommittee at
285 length. Aaron Bloomquist went over each proposed amendment and discussion had on each
286 point. Further discussion to take place at the 2:00 pm agenda item for regulations proposals.

287

288 **Break for lunch at 12:00 om; return to record at 1:18 pm**

289

290 **Agenda Item - Public Comment:**

291 Mark Richards, Executive Director - Resident Hunters of Alaska. Spoke to the proposed Board
292 of Game agenda change request for 19c. It is a request to limit nonresident sheep hunters by
293 instituting a draw to limit nonresident hunters to 30 permits; residents will remain unlimited.

294

295 Chair Bunch closed public comment.

296

297 **Agenda Item – Regulations Proposal(s), New proposals:**

298 The board discussed each of the proposals before them and considered the comments
299 submitted by the public so far throughout the meeting.

300 1. Supervision and alternate supervision proposals submitted by Wayne Kubat were
301 withdrawn; Mr. Kubat supported the board consideration of the Supervision sub-
302 committees' proposal.

303 2. Practical experience amendment proposed by Wayne Kubat.

304 **12 AAC 75.920(f) amended to read** "(f) For the purposes of the requirements in AS
305 08.54.610(d)(1), a person who is licensed as a registered guide-outfitter may be
306 employed by another registered guide-outfitter to provide the services of a class-a
307 assistant guide, statewide"

308 Mr. Kubat stated his reasoning for the proposed amendment -

309 *A registered guide is our highest class of license, and should be allowed to do everything on*
310 *a statewide basis, that a Class A can in the GMU's that the Class A is certified in. Whether or*
311 *not the non-contracting registered guide has experience or not in the GMU, he is still being*
312 *supervised by the contracting guide who does.*

313

314 3. Supervision proposal submitted by the Supervision sub-committee –

315 **12 AAC 75.240 amended to read:**

316 (c) To comply with (b) of this section, the contracting registered guide-outfitter shall
317 communicate, by telephone, electronically, or radio, or in person, with the client and
318 the assistant guide, class-A assistant guide, or registered guide- outfitter involved in the
319 hunt, separately or together, at least once within 10 days after the conclusion of the
320 hunt. The contracting registered guide-outfitter shall obtain the necessary information
321 to evaluate the performance of the assistant guide, the class-A assistant guide, or
322 registered guide-outfitter and determine whether the big game hunting services were

323 provided safely, in accordance with state and federal law, and to the satisfaction of the
324 client.

325 (d) The contracting registered guide-outfitter shall make a good faith effort to
326 communicate with the client to obtain the necessary information to evaluate the
327 performance of the assistant guide, class-A assistant guide, or registered guide-outfitter.
328 If the attempt to communicate with the client is unsuccessful, the contracting registered
329 guide-outfitter shall write to the client and request the necessary information to
330 evaluate the performance of the assistant guide, the class-A assistant guide, or
331 registered guide-outfitter. The contracting registered guide- outfitter shall write to the
332 client within 60 days after the conclusion of the hunt.

333 (e) A registered guide-outfitter shall document on the hunt record the date the
334 registered guide-outfitter complied with the client communication requirements in (c)
335 and (d) of this section.

336 (f) For the purposes of the requirement in AS 08.54.630(b) (3), a noncontracting
337 registered guide-outfitter or class-A assistant guide supervising an assistant guide shall
338 be available in the field to direct and monitor the big game hunting services provided to
339 the client, except during times when

340 (1) an emergency situation exists that requires the guide's assistance; or
341 (2) the noncontracting registered guide-outfitter or class-A assistant guide supervising
342 the hunt is

343 A) in transit with, or while processing meat or trophies from current season of
344 contracted hunters

345 (B) in transit with or while acquiring food, supplies, or clients directly associated current
346 season of contracted hunters

347 (C) conducting duties that are associated with the safe and satisfactory completion of
348 current season of contracted hunts

349 (D) Conducting maintenance to equipment necessary to complete current season of
350 contracted hunts

351 (E) Conducting a hunt that primarily takes place in a location defined as outside of the
352 "field" as defined in 08.54.790(7)

353 (F) conducting a hunt in which clients are primarily housed outside of the "field" as
354 defined in 08.54.790(7)

355 (g) Repealed 7/30/2006.

356 (h) In this section, "emergency situation" means a situation in which a person is in a
357 remote area and

358 (1) is involuntarily experiencing an absence of food, water, shelter, or medical care
359 required to sustain life or health;

360 (2) is lost;

361 (3) is unable to perform the functions necessary for survival, leading to a high risk of
362 death or serious and permanent health problems without the assistance of the guide; or
363 (4) the guide's presence is necessary for a family medical condition.

364 (i) For purposes of the requirement in AS 08.54.610(e) "primarily in the field" means:

365 (1) The contracting registered guide outfitters is in the field as defined in AS
366 08.54.790(a)(7); or

367 (2) The contracting registered guide-outfitter is present in a location where they can
368 respond to the communications and needs of clients and employees participating in

369 currently contracted hunts. This location must be within the State of Alaska and within
370 a proximity to ongoing hunts that provides for responsive logistics and client care.; or
371 (3) The contracting registered guide-outfitter is
372 (A) in transit with, or while processing meat or trophies from current season of
373 contracted hunts
374 (B) in transit with or while acquiring food, supplies, or clients directly associated current
375 season of contracted hunts
376 (C) conducting duties that are associated with the safe and satisfactory completion of
377 current season of contracted hunts
378 (D) Conducting maintenance to equipment necessary to complete current season of
379 contracted hunts
380 (E) Conducting a hunt that primarily takes place in a location defined as outside of the
381 “field” as defined in 08.54.790(7)
382 (F) conducting a hunt in which clients are primarily housed outside of the “field” as
383 defined in 08.54.790(7); or
384 (G) Out of the field due to an Emergency as defined in (h) of this section
385 (j) As per language in 08.54.610 (e), 08.54.620 (b) (3), and 08.54.630 (b) (3), A class-A
386 guide or a non-contracting registered guide-outfitter may take charge of a camp and
387 provide guide services from the camp without the contracting registered guide-outfitter
388 being in the field and participating in the contracted hunt if the contracting registered
389 guide-outfitter is supervising the guiding activities.

390

391 **12 AAC 75.250 amended to read:**

392 (b) A registered guide-outfitter who contracts to guide a hunt and who is participating in
393 a hunt as required in AS 08.54.630 (b)(3) shall be in communication, either personally or
394 through an agent, with the assistant guide, who is in the field with the client, regularly
395 days.

396 (c) In this section, “communication” includes in person contact, radio contact, telephone
397 contact, text messaging, email, and signaling.

398 (d) A registered guide-outfitter who contracts to outfit a hunt shall

399 (1) before leaving a client in the field, advise the client of the date, time, and location at
400 which the registered guide-outfitter will pick up the client and the course of action the
401 client should follow if the registered guide-outfitter is unable to pick up the client as
402 planned,

403 (2) either personally or through a class-A assistant guide, an assistant guide, air taxi, or a
404 licensed transporter, transport the client into and out of the field at the planned date,
405 time, and location, unless prevented by weather, mechanical problems, or other safety
406 concerns; and

407 (3) check on or communicate with a client in the field as agreed to before transporting
408 that client.

409

410 **12 AAC 75.340(g) amended to read:**

411 75.340(g) a contracting guide-outfitter shall make a good faith effort to provide for
412 means of communication for each client with the contracting guide while in the field
413 and applicable instructions for use of that means of communication

414

415

416 *Break at 2:38 pm*

417 *Return at 2:48 pm*

418

419 **In a motion duly made by Aaron Bloomquist, seconded by Pete Buist with unanimous**
420 **consent, it was resolved to start a new regulations project to amend**

421 **12 AAC 75.240 (c) – (j)**

422 **12 AAC 75.250 (b) – (d)**

423 **12 AAC 75.340 (g)**

424 **12 AAC 75.290(f)**

425 **as discussed at this meeting. The board requests these proposed amendments be sent out**
426 **for public comment. The board will hear public testimony on these proposed amendments at**
427 **the February 4, 2022 teleconference.**

428

429

430 **Agenda Item – Education Session:**

431 Chair Bunch presented an education session regarding guide business administration. The
432 session covered a variety of topics that are supported by statues and regulations. They
433 reviewed a checklist of items to be checked yearly for business preparation and a list of
434 licensing program specific items that guides should routinely check the status of to ensure
435 compliance. They reviewed definitions in statute that guides need to know before providing
436 services and spoke to various things that should be noted in contracts. A sample hunt record
437 was reviewed and sections that are frequently left incomplete were pointed out. The UVC
438 process was explained as well. A list of public meetings that may affect guide business was
439 provided as well as a list of helpful tips. All information was provided on a power-point
440 presentation which will be posted to the program website.

441

442 Chair Bunch called recess until 10:00 am December 2.

443

444 Off record at 4:12 pm

445

446 **Thursday, December 2, 2021**

447

448 The Chair brought the meeting to order at 10:00 am

449

450 **Board Members Present Constituting a Quorum:**

451 Jason Bunch - Licensed Registered Guide-Board Chair

452 Jerry Burnett - Board of Game Representative

453 Martin Boniek - Licensed Transporter

454 Pete Buist - Public Member

455 Aaron Bloomquist - Registered Guide Outfitter

456 Mike Flores – Licensed Transporter

457 Ely Cyrus – Private Landowner

458

459 **Board Members Absent:**

460 Adam Trombley – Public Member; *EXCUSED*

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Staff Members present:

Renee Hoffard – Executive Administrator
Thomas Bay – Licensing Examiner
Lee Strout – Investigator

Representative from Federal/State agencies present:

Eddie Grasser, Division Director, Department of Fish and Game
Ryan Scott, Department of Fish and Game
Pete Mueller, Department of Natural Resources
Nikki Potter, Department of Natural Resources
John Forbes, Department of Natural Resources
Chandler Long, Trust Resource Manager, Mental Health Land Trust
Dave Griffin, Trust Land Office
Zach Million, Bureau of Land Management
Lt. Shayne Calt, Alaska Wildlife Troopers
North Slope Borough

Agenda Item – Agenda 12/2/2021:

The board reviewed the agenda for 12/2/2021.

In a motion duly made by Aaron Bloomquist, seconded by Clay Nordlum with unanimous consent, it was resolved to adopt the daily agenda as amended.

1. Add under “New Business”
 - a. Board of Game letter regarding harvest tickets and locking tags.
 - b. Designate board representative to explore limited guide use area registrations
 - c. Dates for the next meeting(s)
 - d. Position statement/letters for transporters
 - e. Exceptions to the 3-year minimum guide use area registration for predator control only.

Agenda Item - Public Comment:

Mark Richards, Executive Director Resident Hunters of Alaska. Brought a transporter issue regarding air taxis. The board declined to comment as the issue is an ongoing investigation.

Zach Decker, Registered Guide GUIR1263. Discussed a letter that their business received from the National Park Service regarding the Federal mandate that employees be vaccinated. He also asked the board to consider pursuing a guide concession program in an effort to reduce conflicts in the field.

Thor Stacey, Registered Guide GUIR1194; Director of Government Affairs, Alaska Professional Hunters Association (APHA). Thanked the board for their efforts during last legislative session to get the bill passed affecting Master Guides, the bill passed with a retroactive effective date. He briefly touched on some conservation concerns that APHA is tracking as well as the business

506 climate for the guide industry. APHA has noted that conflicts in the field appear to be on the
507 rise and they will continue to track that as well.

508
509 Chair Bunch closed public comment.

510
511

512 **Agenda Item - State and Federal Agency Updates**

513 Alaska Department of Fish & Game (F&G): , Director of Wildlife Conservation Eddie Grasser, and
514 Assistant Director Ryan Scott a provided an update from F&G. The department is evaluating
515 their budget and working to spend the Pittman-Robertson funds received as those funds can
516 only be used for certain expenditures. F&G has been working on projects to increase revenue
517 over the past year due to COVID-19 and feels they are on the right track. Several key members
518 of the staff will be retiring over the next year. F&G has developed a mobile app for the
519 department that will be released to the public in the near future that will enable the public to
520 access services remotely and receive electronic copies of licenses/permits.

521
522 Dept. Of Natural Resources (DNR) – Pete Mueller provided a brief overview of DNR services; the
523 various permits and fees associated with DNR services. DNR has 3 regional offices: Anchorage
524 for South-Central, Fairbanks for the Northern region and Juneau for Southeast. He provided a
525 review of the permitting processes as well.

526
527 Bureau of Land Management (BLM) – Zach Million provided an update from BLM. He reviewed
528 the 3 districts of the BLM and the recreation programs it provides. He briefly discussed the
529 varied permits for commercial activity on BLM land. BLM has created a new online system for
530 recreation permitting that is used for tracking and online reporting. The system has been in a
531 pilot phase in Oregon, Colorado, and Nevada. The Fairbanks office of BLM will be added to the
532 pilot phase. The system is used to expedite the permitting process and timelines for
533 notification of decisions. He spoke of fee adjustments; there will not be any new fee
534 adjustments until fall of 2023. There has been staff turnover at BLM, new staff will be coming
535 on board. He answered questions from the board.

536
537 Mental Health Trust – Chandler Long provided a short recap of the Mental Health Land Trust.
538 She spoke in regard to the new guide use area permit program that was implemented in April
539 2020, right at the onset of COVID. Several of the parcels are open for bidding for permits and
540 the trust is looking at options for short-term permits opposed to the current 5-year terms of
541 the permits. The trust continues to fine tune and evaluate the permitting process. She went
542 over several tracts of land that applications for permits are currently being accepted. The trust
543 statutorily must maximize revenue generation from trust land, which in turn funds beneficiary
544 programs across the state of Alaska. The trust provides funding for programs like criminal
545 justice reentry access, local treatment centers, and social services.

546
547 Alaska Wildlife Troopers – Lt. Shayne Calt joined the meeting to provide a brief update from the
548 troopers. There are currently 88 troopers in the field with 6 vacancies. 4 of that vacancies are
549 in urban areas. AWT's are assisting Alaska State Troopers as AST has approximately 60
550 vacancies. AWT's has a good budget and the support of both the legislature and the
551 Governor's office. The main issues continue to be recruitment and retention. There is

552 currently a \$20,000 hiring bonus and excellent benefits. AWT has started training pilots where
553 that was not the case in the past. They are projecting 25-30 hires for the next academy and if
554 they continue that trajectory for a few years will be in a good spot to eliminate vacancies. AWT
555 will continue updating the fleet of equipment statewide. The board brought up complaints that
556 were received from guides this past season regarding troopers landing helicopters on spotting
557 ops to check hunters in the field. Trooper Calt stated he would bring the topic up at the
558 upcoming statewide meeting for all trooper pilots.

559
560 US Forest Service – Spoke briefly about temporary permits in Southeast Alaska. The Forest
561 service is working with tourism in efforts to minimize conflict. There will be a stakeholder call
562 before the end of the year to discuss wrap-up for 2021; the information will be provided to
563 staff for those who wish to be on the call.

564

565 ***Break for lunch at 12:24 pm; return to record at 1:15 pm***

566

567 North Slope Borough (NSB) - Representatives from the borough planning office went over the
568 NSB permitting processes, fees, and applications.

569

570 Board of Game – Jerry Burnett provided an update from the Board of Game (BOG). BOG will
571 return to public meetings starting in January 2022. A 9-day meeting is scheduled for Central
572 and Southwest Alaska, there are 229 proposals for BOG to consider at that meeting and all
573 proposals are on the BOG website. The statewide meeting is scheduled for March in Fairbanks
574 and the board will be considering over 250 proposals at that meeting. Many Department of
575 Fish and Game employees will be attending the meetings telephonically so guides should not
576 plan to meet with them at the meetings; they should make plans to meet with them at their
577 respective offices. Individuals interested in providing public testimony will be able to sign up for
578 specific time slots. Record copies will be accepted electronically. He encouraged everyone to
579 review the proposals and submit written comments by the deadlines posted on the BOG
580 website.

581

582 **Agenda Item – Staff update:**

583 Renee Hoffard, Executive Administrator for the program provided an update from staff.
584 Reminders will be sent to guides with guide use area registrations; new copies of annual
585 commercial recreation permits need to be submitted for multi-year registrations. She asked
586 guides to encourage their prospective assistant guides to request their criminal history reports
587 before submitting their application. It has been noted that most of the applications referred to
588 investigations for failure to disclose are based on information listed in the criminal history
589 reports. Any applicant having problems requesting the criminal history should reach out to
590 staff as they have been informed that a number of local police departments are no longer
591 providing that service. She reminded those in attendance that anyone wishing to request a
592 unique verification code for the upcoming draw needed to check their guide use area
593 registration and ensure they are valid for 2022. If the registration expires 12/31/2021, the
594 guide is not eligible for a verification code for the draw. She reviewed the renewal statistics for
595 the current renewal cycle. The board recommended updating the assistant guide application to
596 suggest applicants review their criminal history before submitting their applications.

597

598 **Agenda Item – Review of written comments – Regulations Project:**

599 The board discussed the written comments received for the current regulations project to
600 amend 12 AAC 75.105, 12 AAC 75.150, 12 AAC 75.260, 12 AAC 75.450 and 12 AAC 75.460. It
601 was noted that in a written comment submitted by Al Barrette that there appeared to be a
602 typo. He did not believe the board intended to remove the word “equipment” from 12 AAC
603 75.450 as transporters should not provide hunting equipment.

604
605 **On a motion duly made by made by Aaron Bloomquist, seconded by Mike Flores, via roll call**
606 **vote, it was RESOLVED to adopt the proposed amendment to 12 AAC 75.105(a)(3) as written.**
607 **Motion passed.**

608

Board Member	Approve	Deny	Recuse	Absent
Aaron Bloomquist	X			
Jerry Burnett	X			
Martin Boniek	X			
Peter Buist		X		
Ely Cyrus				X
Adam Trombley				X
Clay Nordlum	X			
Mike Flores	X			
Jason Bunch, Chair	X			

609 **On a motion duly made by made by Aaron Bloomquist, seconded by Mike Flores, via roll call**
610 **vote, it was RESOLVED to adopt the proposed amendment to 12 AAC 75, adding a new**
611 **section for profession development, as written. Motion passed.**

612

Board Member	Approve	Deny	Recuse	Absent
Aaron Bloomquist	X			
Jerry Burnett	X			
Martin Boniek	X			
Peter Buist	X			
Ely Cyrus				X
Adam Trombley				X
Clay Nordlum	X			
Mike Flores	X			
Jason Bunch, Chair	X			

613
614 **On a motion duly made by made by Aaron Bloomquist, seconded by Mike Flores, via roll call**
615 **vote, it was RESOLVED to adopt the proposed amendment to 12 AAC 75.260(d) as written.**
616 **Motion passed.**

617

Board Member	Approve	Deny	Recuse	Absent
Aaron Bloomquist	X			
Jerry Burnett	X			
Martin Boniek	X			
Peter Buist	X			

Ely Cyrus				X
Adam Trombley				X
Clay Nordlum	X			
Mike Flores	X			
Jason Bunch, Chair	X			

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On a motion duly made by made by Aaron Bloomquist, seconded by Mike Flores, via roll call vote, it was RESOLVED to adopt the proposed amendment to 12 AAC 75.450(b)(13) as amended in this meeting. Motion passed.

12 AAC 75.450(b)(13) is amended to read:
(13) include the following statement: "A licensed transporter may not provide vehicles, fuel, camping, hunting equipment, or any hunting services such as skinning, capping, or cleaning of game, glassing, and packing in the field, including from a permanent structure or on a boat on salt water."

Board Member	Approve	Deny	Recuse	Absent
Aaron Bloomquist	X			
Jerry Burnett	X			
Martin Boniek	X			
Peter Buist	X			
Ely Cyrus				X
Adam Trombley				X
Clay Nordlum	X			
Mike Flores	X			
Jason Bunch, Chair	X			

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On a motion duly made by made by Aaron Bloomquist, seconded by Mike Flores, via roll call vote, it was RESOLVED to adopt the proposed amendment to 12 AAC 75.460 (a) as written. Motion passed.

Board Member	Approve	Deny	Recuse	Absent
Aaron Bloomquist	X			
Jerry Burnett	X			
Martin Boniek	X			
Peter Buist	X			
Ely Cyrus				X
Adam Trombley				X
Clay Nordlum	X			
Mike Flores	X			
Jason Bunch, Chair	X			

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Agenda Item – New Business:

638 **In a motion duly made by Aaron Bloomquist, seconded by Mike Flores with unanimous**
639 **consent, it was resolved to designate Aaron Bloomquist to draft a letter to the Board of Game**
640 **regarding ongoing issues with harvest tickets and locking tags.**

641 The letter will be reviewed and voted on electronically by the board.

642

643 **In a motion duly made by Aaron Bloomquist, seconded by Mike Flores with unanimous**
644 **consent, it was resolved to provide a compliance letter to all licensed transporters. The**
645 **transporter subcommittee will work on the letter at the scheduled 1/10/2022 meeting and**
646 **staff will mail the letter once it is provided.**

647

648 **In a motion duly made by Aaron Bloomquist, seconded by Mike Flores with unanimous**
649 **consent, it was resolved to designate Jason Bunch to discuss options the board has for**
650 **limiting guide use areas with the Department of Law. Board members Aaron Bloomquist and**
651 **Mike Flores may join the discussion(s) as needed.**

652

653 **In a motion duly made by Aaron Bloomquist, seconded by Mike Flores with unanimous**
654 **consent, it was resolved that the board should draft a proposal for exceptions to the**
655 **minimum 3-year guide use area registration only as it applies to applications for a 4th area for**
656 **predator control.**

657 Fish and Game notifies division staff on a yearly basis which areas they are allowing predator
658 control in for the upcoming year and which specific animals are to be hunted as predators. Any
659 proposals will address those specific exceptions only.

660

661 **In a motion duly made by Aaron Bloomquist, seconded by Mike Flores with unanimous**
662 **consent, it was resolved to request staff explore alternative meeting sites for the March 2022**
663 **meeting to accommodate larger numbers and not be located in downtown Anchorage.**

664

665 **In a motion duly made by Aaron Bloomquist, seconded by Mike Flores with unanimous**
666 **consent, it was resolved to request staff explore options for working with the IT**
667 **staff/departments of Fish and Game or Dept. of Natural Resources in efforts to increase**
668 **efficiency.**

669 During the agency updates it was noted that both of the state agencies mentioned new mobile
670 apps and accessibility that will be a great benefit to the guide industry. The Board hopes to see
671 the availability of an option for guides and transporters to do their own data entry for hunt
672 records and transporter activity reports; that option would support future requests to eliminate
673 the annual filing fee for processing the records.

674

675 The board set the meeting dates for meetings for 2022:

676 February 4, 2022 – teleconference for adjudicatory matters

677 March 29-31 with practical exams April 1

678 December 5-7 with practical exams December 8.

679 Partnership sub-committee – December 21 teleconference

680 Transporter sub-committee – January 10, 2022 teleconference

681

682 Renee Hoffard asked that the board consider setting parameters for staff to issue licenses to
683 applicants with “Yes” answers on professional fitness questions. This was an issue during the

684 past summer as it was difficult to establish a quorum vote on applications with 4 board
685 members in the field and unavailable for voting. Staff will create a draft of the parameters for
686 the board to consider at the March meeting.

687

688 **In a motion duly made by Aaron Bloomquist, seconded by Mike Flores with unanimous**
689 **consent, it was resolved to adjourn the meeting.**

690

691 E. .

692

693 **Agenda Item - Administrative Business:**

694 The board tentatively the following meeting dates with the understanding that teleconferences
695 may be called as needed:

696

697 February 4, 2022 teleconference to review proposed disciplinary actions to be held via Zoom.

698

699 March 29 – 31, 2022 with practical exams to be held April 1, 2022. The meeting will be
700 scheduled for Anchorage; board requested staff investigate alternative meeting site in Mid-
701 town Anchorage.

702

703 December 5 - 7, 2022 with practical exams December 8; 2022 The meeting will be scheduled for
704 Anchorage.

705

706 **In a motion duly made by Jerry Burnett, seconded by Mike Flores with unanimous consent, it**
707 **was resolved to adjourn the meeting.**

708

709 Off record at 3:00 pm.

710

711 Respectfully Submitted,

712

713 _____

714 Renee Hoffard

715 Executive Administrator

716

717

718 _____

719 Jason Bunch

720 Board Chair

Date

Date

Division of Corporations, Business and Professional Licensing

2022 Legislative Guidance for Professional Licensing Board & Commission Members

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program’s enabling statutes. Members of the public, consumers, other professionals, and your industry’s association confidently approach members of the legislature to affect the change they wish to see in your practice. Whether taking the initiative or reacting to an active bill, board members also need to be prepared to champion their cause.

THE OPEN MEETINGS ACT ALWAYS APPLIES

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject on which the body is authorized to act and set policy and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a legislator or an industry gathering.

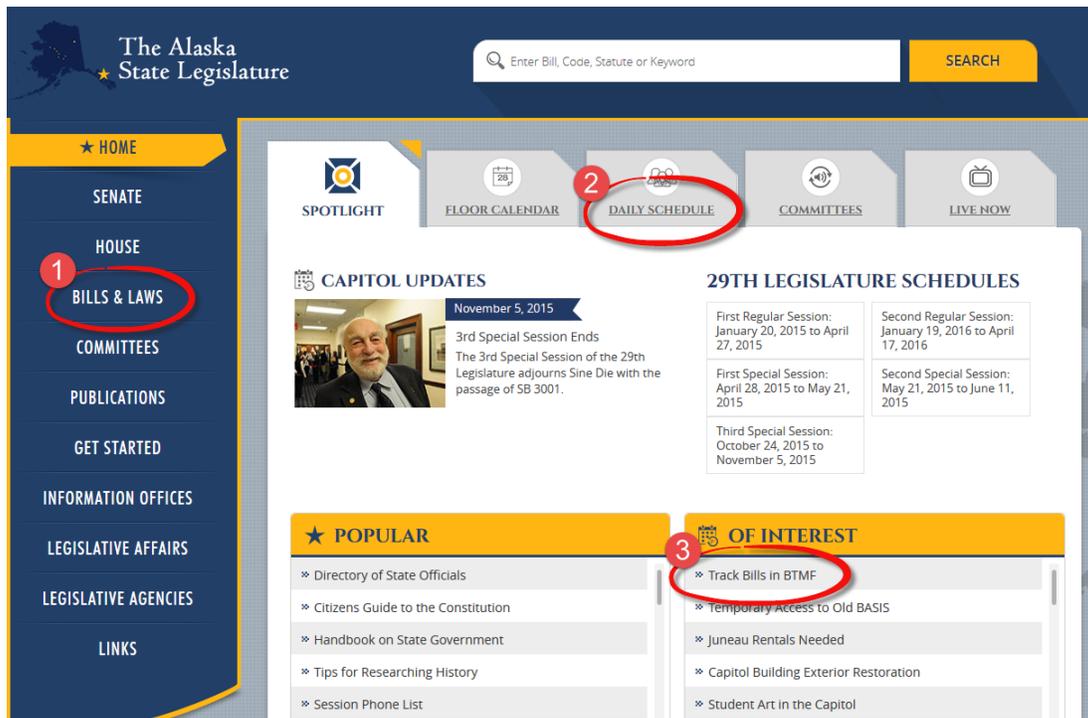
Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. Remember, all board member email correspondence is discoverable, and your board business is also the public’s business.

This information is contained in the *CBPL Guide to Excellence in Regulation*. Board members are provided a bound copy of this guidance manual; however, if you need another copy, you may download it here:
<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardMemberResources.aspx>.

BE INFORMED: IF NOT YOU, THEN WHO?

- As soon as possible before legislative season, select on the record a member who will serve as the point person for legislative activity. In the absence of this person, the division will look to the chair of the board for input and interpretation. If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board’s perspective should be compiled by this leader and made available to board members and division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.
- When a bill is filed, division management will alert program staff. The examiner or executive should ensure that their board members are made aware of legislation that is filed that will affect them. With sometimes more than 50 bills to track, analyze, and testify on, division management may not be able to keep the board apprised of every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board.
- That said, know where to find any bill using the Alaska State Legislature’s web page: akleg.gov. (See graphic below.)
 1. The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
 2. The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.

- The **BTMF**—or Bill Tracking Management Facility is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.



GUIDELINES FOR BOARD MEMBER TESTIMONY

- Encourage the board to become engaged: Track the bill online, participate in hearings, write a letter supporting the board’s official position, and discuss the legislation in a public meeting. It is a best practice for organizations to speak with “one voice.” Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.
- Staff may not express opinions on behalf of the board or discuss legislation with elected officials without prior arrangements with division management and clearance from the Governor’s Legislative Office. If the board has published a resolution or letter regarding the legislation as a result of a vote at a public meeting, staff may provide that document to legislators per department procedures.
- Individual board members may offer their personal or professional opinions on the legislation. They must clearly state that while they are appointed to a board, they do not speak on behalf of the board.
- Boards must provide a member to testify telephonically (or in person, if in Juneau) at every hearing when being considered for reauthorization per AS 08.03. Without member interest and advocacy for the board or commission’s continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.
- The chair or elected board spokesperson should be prepared to answer questions posed by staff or legislators, testify telephonically (or in person, if in Juneau) on bills that require subject matter expertise or upon request, and otherwise be available on short notice to engage in this process or assign another board member to do so.
- Be sure to differentiate the state licensing board from the industry association. Sometimes, they share the same goals. Sometimes, they do not. Legislators must keep track of a lot of names and organizations, so be sure that you are clear that you represent the State of Alaska licensing board.

- Nervous? Don't worry! Please email or call the division director or deputy director to discuss tips or even run through some potential questions/roleplay.

LEGISLATIVE TESTIMONY CALL-IN DO'S AND DON'TS

* For the 2022 session, masks are required in the Capitol.

Do remember this "off-net" system is designed to serve those who do not have any other way to testify or have a legitimate reason for using the system.

Do remember that off-net calls to the committee must be authorized prior to the meeting by the chairman. A minimum of 24 hours in advance is appreciated. Please work through the Director, Division Operations Manager, or the committee chairman's office for authorization.

Do use the streaming video available at <http://akl.tv/> to watch for your bill to come up. The chairman will announce the order of bills at the beginning of the meeting. Callers may be disconnected from the meeting if they call in prior to their bill being taken up. If video streaming is not an option for you, please contact the committee aide to make arrangements to call in early. Once the bill is before the committee, call **844-586-9085**, let the operator know what committee you are calling for, give your name, state board position/affiliation, bill number, whether you wish to testify or to be available only to answer questions. Examples: "Hi, I'm calling in to be available for questions on SB21 in Senate Finance. My name is Richard Wein, and I am the chair of the State Medical Board." "Good morning. My name is Danette Schloeder, I am the chair of the Board of Nursing, and I'm on the list to provide invited testimony on HB83 in House Labor and Commerce."

Do Not call in before the bill you are testifying on comes before the committee.

Do remember the off net call-in lines are for testifiers only. If you wish to listen in, please use the live streaming at <http://akl.tv/>.

Do use the "mute" function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.

Do Not use the "hold" function.

Do try to be in a quiet room without distractions or interruptions. Car noise, open windows, and barking dogs can all be heard by the legislative committee and guests at the hearing. These avoidable disturbances will detract from the credibility of your message. Please treat the important responsibility of testifying with utmost respect and professionalism.

Do remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.

Do remember to be in a location with good reception if using a cell phone. Disruptions coming into the meeting via the phone lines will result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected. Turn off your computer or TV speakers if listening online so you do not create an audio "loop."

Do try to adhere to time limits imposed by the chairman.

Remember: There are a limited number of phone lines coming into the Capitol. These lines are also used by LIOs around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.



PROBATION REPORT

DATE: January 13, 2022

TO: Alaska Big Game Commercial Services Board

THROUGH: Jennifer Summers, Senior Investigator *JS*

FROM: Michele Hearn, Probation Monitor **Michele Hearn**

SUBJECT: Probation Report for the February 4, 2022 Meeting

Digitally signed by
Michele Hearn
Date: 2022.01.14
12:52:34 -09'00'

The following is a complete list of individuals on probation for this Board. All individuals are in compliance with their agreements except as noted below. There are currently **eighteen (18)** licenses on probation as of the date of this document. Since the last probation report, **eight (8)** licenses were released from probation. All personnel are in compliance except as noted below.

<u>Name</u>	<u>Case Number</u>	<u>Start of Probation</u>	<u>End of Probation</u>
Malone, Paul	2019-000173	08/12/2020	08/12/2023
Colpo, Michael	2020-000719	07/22/2020	07/22/2022
*Donelson, Patrick	2020-000720	07/22/2020	07/22/2022
Kruse, Jeff	2020-000734	07/22/2020	08/18/2022
*Cavner, Preston	2020-000741	07/22/2020	07/22/2022
*Walker, John	2020-001047	07/22/2020	Suspended
Tunguing, Gust	2021-000251	03/24/2021	03/24/2022
Augustine, Ryan	2021-000252	03/24/2021	03/24/2023
Hyce, Richard	2021-000253	03/24/2021	03/24/2023
Roberts, Clayton	2021-000255	03/24/2021	03/24/2024

<u>Name</u>	<u>Case Number</u>	<u>Start of Probation</u>	<u>End of Probation</u>
*Scheid, Skylar	2021-000256	03/24/2021	03/24/2022
Cates, Jerry	2021-000282	03/19/2020	03/19/2023
Fithian, Robert	2021-000291	03/24/2021	03/24/2022
Kramer, Cole	2021-000292	03/24/2021	03/24/2022
Wagner, Charles	2021-000296	03/24/2021	03/24/2022
Burns, Bradford	2021-000278	03/24/2021	03/24/2022
Butler, Creig	2021-000646	07/27/2021	07/27/2023
Wolford, Bruce	2021-000732	07/23/2021	07/23/2022

RELEASE FROM PROBATION:

<u>Name</u>	<u>Case Number</u>	<u>Start of Probation</u>	<u>Release Date</u>	<u>Status</u>
*Miller, Joseph	2016-000357	03/08/2016	N/A	Expired
Hornberger, Alan	2019-000172	01/24/2019	01/24/2022	Complete
Parkerson, Stanley	2019-001424	12/03/2019	12/03/2021	Complete
Griffin, Bryan	2020-001137	12/01/2020	12/01/2021	Complete
Chadd, Joshua	2020-001140	12/01/2020	12/01/2021	Complete
Kuhn, Tyler	2020-001142	12/01/2020	12/01/2021	Complete
Hedrich, Jerry	2020-001143	12/01/2020	12/01/2021	Complete
Hedlund, Thomas	2020-001144	12/01/2020	12/01/2021	Complete

NOTES:

*Donelson, Patrick: He has failed to renew his license before it lapsed on 12/31/2021. A Request to Renew letter was sent to him instructing him to renew his license by 1/27/2022. Mr. Donelson

called to report that he mailed in his renewal. A new probation release date will be calculated once his license is renewed.

- *Cavner, Preston: He failed to renew his license before it lapsed on 12/31/2021. An email was sent instructing him to renew his license by 1/27/2022. No response has been received yet. A new probation release date will be calculated once he renews his license.
- *Walker, John: Mr. Walker's OAH Decision was adopted on July 22, 2020 and stipulated a one-year probation and a \$4,000 fine with \$2,000 suspended due by January 22, 2021. Mr. Walker became non-compliant in January of 2021 when he failed to pay the civil fine in full by the due date. The Division made numerous attempts to contact Mr. Walker. All attempts have resulted in no contact with Mr. Walker. Mr. Walker's license was suspended on July 23, 2021, and the full fine was invoked due to non-compliance with his Consent Agreement. The Notice of Suspension was successfully served by the Alaska State Troopers on January 7, 2022. During service, Mr. Walker reported that he does not intend to guide in the future. A voluntary surrender of license will be sent to Mr. Walker soon.
- *Scheid, Skylar: He failed to renew his license before it lapsed on 12/31/2021. An email was sent instructing him to renew his license by 1/31/2022. No response has been received yet. A new probation release date will be calculated once he renews his license.
- * Miller, Joseph: He did not successfully complete his probation. His probation ended because his license expired 12/31/2021. The Division no longer has jurisdiction over his license. Mr. Miller may need to complete any unfulfilled terms in his 2016 Consent Agreement should he apply for a license in the future.

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Big Game Commercial Services Board enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

Board staff member(s) _____ to remain during the session.

Off record: _____

On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- matters involving consideration of government records that by law are not subject to public disclosure.